

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 13, 2002

APPLICATION OF

NORTHERN VIRGINIA UTILITY
PROTECTION SERVICE, INC.

and

VIRGINIA UNDERGROUND UTILITY
PROTECTION SERVICE, INC.

CASE NO. PUE-2002-00525

For approval of notification
call center performance
standards

ORDER ON MOTION

On October 23, 2002, the State Corporation Commission ("Commission") entered its "Order Prescribing Notice and Inviting Comments and/or Requests for Hearing" in the captioned matter. Among other things, in Ordering Paragraph (9) of that Order, the Commission directed Northern Virginia Utility Protection Service, Inc. ("NVUPS") and the Virginia Underground Utility Protection Service, Inc. ("VUUPS") (collectively, "Notification Centers" or the "Applicants") to publish the notice prescribed there in as display advertising (not classified) on one occasion in newspapers of general circulation throughout the geographic areas of the Commonwealth of Virginia

for which each Notification Center held a certificate issued by the Commission. Ordering Paragraph (11) directed the Notification Centers to respond to written interrogatories within five (5) calendar days after the receipt of the same.

On November 8, 2002, the Applicants filed a joint "Motion to Amend Procedural Order." In that Motion, the Notification Centers, by counsel, requested that the October 23, 2002 Order be amended to permit the publication of a "classified" version of the prescribed notice without graphics. They also asked that the time for responding to interrogatories be lengthened from the five (5) calendar days to the 14 day period provided by Rule 20 VAC 5-20-260 of the Commission's Rules of Practice and Procedure. In support of these requests, the Applicants maintained that the estimated cost of publishing the notice as required by the October 23 Order provided by the Virginia Press Association was \$78,000. The Applicants asserted that this cost would be in addition to the cost for serving a copy of the Order and performance standards on every chairman of the Board of Supervisors and every mayor or manager of each city and town (or on equivalent officials in counties, towns and cities having alternate forms of government) in the Commonwealth. The Notification Centers assert that their operating budgets are designed to meet anticipated operating costs and that the unbudgeted cost of \$78,000 to publish notice would be a

financial burden to them. They further allege that the Virginia Press Association has provided as estimated cost of publishing a "classified" version of the notice set forth in the Procedural Order without graphics of \$6,559.81. The Notification Centers further maintain that when the Commission's Division of Information Resources is directed to publish notices, such publication is by "classified" publication.

With regard to its request to lengthen the time for responses to written interrogatories, the Notification Centers maintain that five calendar days, which would include non-business days, may not be enough time to prepare adequate responses. They assert that in the absence of a demonstration of the need for such haste in responding to interrogatories, that there is no compelling reason for such a drastic reduction in the time for responding to discovery at this point in the proceeding. In the alternative, the Notification Centers request that the October 23, 2002 Order be amended to afford the Applicant at least seven business days to provide responses and that the abbreviated response period be applied to all parties to this proceeding.

NOW UPON CONSIDERATION of the foregoing, the Commission is of the opinion and finds that good cause having been shown, the Applicants' "Motion to Amend Procedural Order" should be granted; that Ordering Paragraph (9) of the October 23, 2002

Order should be amended to permit the Notification Centers to cause the prescribed notice to be published as classified advertising without graphics on one occasion in major newspapers of general circulation throughout the geographic areas of the Commonwealth of Virginia for which each Notification Center holds a certification; that because of the proximity of the November 15, 2002 Publication date for the time of the Order entered herein, the time in which publication shall be completed shall be extended to November 19, 2002; that the time in which the Notification Centers shall respond to written interrogatories shall be extended from (5) calendar days to fourteen (14) calendar days after the receipt of same; that the October 23, 2002 Order should be amended to require the Notification Centers to serve on or before November 19, 2002, copies of their proposed performance standards, the October 23, 2002 Order, together with this Order on Motion on their current vendors providing primary notification center service to the Applicants and on the Chairman of the Board of Supervisors of any county and on the mayor or manager of any city or town (or on equivalent officials in counties, towns, and cities having alternate forms of government) in the geographic areas for which NVUPS and VUUPS hold certificates as notification centers; that the other provisions of the October 23, 2002 "Order Prescribing

Notice and Inviting Comments and/or Requests for Hearing" should remain unamended and affected.

Accordingly, IT IS ORDERED THAT:

(1) In accordance with the findings made herein, Ordering Paragraph (9) of the October 23, 2002 Order shall be amended to require the Notification Centers to cause the notice prescribed by Ordering Paragraph (9) to be published on or before November 19, 2002, as classified advertising without graphics on one occasion in major newspapers of general circulation throughout the geographic areas of the Commonwealth of Virginia for which each Notification Center holds a certificate issued by the Commission.

(2) Ordering Paragraph (10) of the October 23, 2002 Order shall be amended to require that the Notification Centers shall serve on or before November 19, 2002, copies of their proposed performance standards, the October 23, 2002 Order, as well as a copy of this Order on their current vendors providing primary notification center service to the Applicants and on the Chairman of the Board of Supervisors of any county and on the mayor or manager of any city or town (or on equivalent officials in counties, towns, and cities having alternative forms of government) in the geographic areas for which NVUPS and VUUPS hold certificates as notification centers. Service shall be

made by first-class mail or delivery to the customary place of business or residence of the person served.

(3) Ordering Paragraph (11) of the October 23, 2002 Order shall extend the time in which the Notification Centers shall respond to written interrogatories from five (5) calendar days to fourteen calendar days after the receipt of the same. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(4) The directives and findings of the October 23, 2002 Order shall remain in effective, except as they have been modified herein.

(5) This matter shall be continued, pending further Orders of the Commission.